

### REMARKS

The Examiner rejected Claims 13, 21, 32 and 34 under 35 U.S.C. § 102 (e) as being anticipated by Smith. The Examiner rejected Claims 13, 17, 21 and 32-36 under 35 U.S.C. § 102(e) as being anticipated by Valent. The Examiner has indicated that he considers the limitation of "dedicated track intended to be read first before any other ones of said plurality of tracks upon powering up of the hard disk drive" to be an intended use and not a claim limitation. The Applicant has amended claims 17 and 21 to more positively recite a disk drive and method wherein the head is initially moved to the dedicated track upon powering up of the drive. At least one system parameter is then read from the dedicated track. Neither Smith nor Valent disclose this limitation. Neither reference provides any disclosure on the initial power up of the drive. Consequently, Smith and Valent do not disclose all of the limitations of the claims and therefore do not anticipate the pending claims of the above entitled application.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of Claims 1-12, 17, 21, and 32-36 at an early date is solicited.

Respectfully submitted,  
IRELL & MANELLA LLP

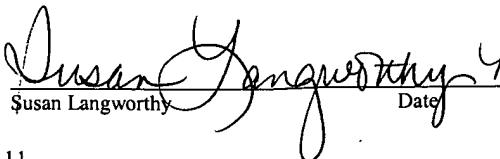
Dated: November 7, 2005

  
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 Nov 7, 2005  
Susan Langworthy Date

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